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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/826,036 | 04/16/2004 | Gerald H. Williams | 03-085 | 9063 |

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EXAMINER

PUROL, DAVID M

ART UNIT PAPER NUMBER

3634

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/826,036

Applicant(s)

WILLIAMS, GERALD H.

Examiner

David M. Purol

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>04162004</u> | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 8-11,14,16-22,28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8,11,16,19 each recite "and combinations thereof" which is an indefinite recitation for it is not known as to what constituents would be encompassed by such an expression.

Claims 14 and 28 each recite "a hook on the locking bracket" for which there is no antecedent basis.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,5,7-9,11-16,18-24,26-28 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rosenblatt. Rosenblatt discloses a reinforced overhead door comprising a header bracket 50, a floor assembly 90,110, a cable 63, an intermediate support 68, a locking bracket 23.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenblatt in view of Romanelli et al. While Rosenblatt does not disclose the reinforced overhead door assembly as having a floor plate flush with a hole in the floor, Romanelli et al disclose a reinforced overhead door comprising a floor plate 138 flush with a hole 136 in the floor, wherein, to incorporate this teaching into the floor assembly of Rosenblatt for its explicit purpose of securing the floor bracket thereto would have been obvious to one of ordinary skill in the art.


4. Claims 6,25,29,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenblatt. As to the recitation setting forth a plurality of cables, to have use additional cables such as those disclosed by Rosenblatt for their explicit purpose of reinforcing the overhead door is nothing more than a duplication of existing parts and as such does not constitute a patentable distinction.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenblatt in view of Coluccio. While Rosenblatt does not disclose the intermediate support as comprising first and second hinged pins, Coluccio discloses a reinforced overhead door comprising an intermediate support including first and second hinged pins 48, wherein, to incorporate this teaching into the reinforced overhead door of Rosenblatt for the purpose of guiding the cable so as to maintain it in a predetermined position would have been obvious to one of ordinary skill in the art.

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6. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Moser et al, Pemberton et al, Gaffney et al, Wedekind, Decola, Marko, Wells.

7. Any inquiry concerning this communication should be directed to David M. Purol at telephone number (571) 272-6833.


David M Purol
Primary Examiner
Art Unit 3634